

Office of the
CLARK COUNTY LAND USE HEARING EXAMINER

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Form DS1333

NOTICE TO PARTIES OF RECORD

Project Name: FELIDA VIEW TOWNHOMES

**Case Number: PLD2009-00048; SEP2009-00084; VAR2009-00013;
BLA2009-00034; EVR2009-00045**

The attached decision of the Land Use Hearing Examiner is final unless a motion is filed for reconsideration or an appeal is filed with Superior Court.

Motion for Reconsideration:

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

Appeal Rights:

Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

Mailed on: **February 4, 2010**

FELIDA VIEW TOWNHOMES
PLD2009-00048; SEP2009-00084;
VAR2009-00013; BLA2009-00034;
EVR2009-00045
HEARING DATE: 12/22/09

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PLD2009-00048
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**BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III application for an 18-lot single-family townhome subdivision on approximately 1.91 acres zoned R-12 in unincorporated Clark County, Washington.

**FINAL ORDER
Felida View Townhomes
PLD2009-00048 & SEP2009-00084,
VAR2009-00013, BLA2009-00034 &
EVR2009-00045**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for an 18-lot townhome subdivision and related approvals (PLD2009-00048 & SEP2009-00084, VAR2009-00013, BLA2009-00034 & EVR2009-00045) – on approximately 1.91 acres zoned R-12.

II. Introduction to the Property and Application:

Applicant & Owner Osprey Homes, LLC.
Attn : Dan Wisner
4910 NW 127th Street
Vancouver, WA 98685

Contact Sturtevant, Golemo & Associates
Attn: Scott Taylor
2005 Broadway
Vancouver, WA 98663

Property Legal Description: Tax Lot 2 (parcel no. 188966-005) located in the NW ¼ of Section 33, Township 2 North, Range 1, East of the Willamette Meridian. Street Address: 3001 NW 117th Circle.

Applicable Laws Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.010 (Boundary Line Adjustment, BLA), 40.540.040 (Subdivision Ordinance), 40.220.020 (Residential and Office Residential Districts, R-12), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.550.020 (Variances), 40.500 (Process), RCW 58.17 (State Platting Law).

The 1.91-acre site is zoned R-12, which allows single-family residential subdivisions outright, subject to preliminary plat review and approval. The applicant proposes to use the townhome provisions of CCC 40.260.230. The development site consists of a single parcel (parcel number 188966-005), which is also known as Lot 2 of SP2-166 (Shortplat 86-50-3331), and is generally located on the east side of NW 31st Avenue, north of NW 113th Street and south of NW 119th Street. There is one existing

dwelling and associated out buildings on the property that will be removed. The property is within the Vancouver urban growth area, the territory of the Felida Neighborhood Association, Fire District 6, Park Improvement District 9, the Hazel Dell Traffic Impact District, and the Vancouver School District. The property is within the service territory of Clark Public Utilities for water and Clark Regional Wastewater District for public sewer.

This development proposes 18 individual lots/dwellings in 8 separate buildings using the townhome provisions of CCC 40.260.230. Access to the homes in this development will be via a private cul-de-sac street (NW 117th Circle), which will extend east from NW 31st Avenue. All homes will be connected to public sewer and water. The applicant also seeks two administrative variances (Ex. 6, tab V): (1) to reduce the street side yard setback for Lot 4 from 10 feet to 8 feet on NW 117th Circle and (2) to reduce the interior side yard setbacks from 5 feet to 4 feet between Lots 2 and 3, between Lots 5, 6 and 7, between Lots 10 and 11, between Lots 16 and 17 and between Lot 14 and the western boundary of the access easement. These are discussed in Land Use Finding 4 below. Additionally, the applicant seeks a road modification (Ex. 6, tab U) seeking relief from the required 50-foot minimum separation between driveways. This request is addressed in Transportation Finding 4 below. Finally, the proposed plat configuration is dependant upon a minor boundary line adjustment (Ex. 6, tab W) with the owner of the lot to the north and east (Chris Douglas), who appeared and testified at the hearing. This issue is reflected in Conditions A-1b & D-1b.

The application includes an application packet and plans (Exs. 5 & 6), which includes a narrative (Ex. 6, tab D) notes from the April 9, 2009 preapplication conference (Ex. 6, tab B), a geotechnical analysis (Ex. 6, tab H) and preliminary stormwater design report (Ex. 6, tab I), a traffic study (Ex. 6, tab K), a sight distance certification (Ex. 6, tab L) and circulation plan (Ex. 6, tab M), a road modification request (Ex. 6, tab U), a variance request (Ex. 6, tab V), an archaeology predetermination and survey report (Ex. 6, tab R), water and sewer utility review letters (Ex. 6, tab O), a school letter and safe walking routes map (Ex. 6, tabs S & T), and a SEPA checklist (Ex. 6, tab N).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this subdivision was requested on March 19, 2009 and held April 9, 2009 (Ex. 6, tab B). An application was submitted on September 25, 2009 (Exs. 5 & 6) and deemed fully complete on October 13, 2009 (Ex. 7). From this sequence, this development is deemed vested as of March 19, 2009. Notice of the Type III application and a January 28, 2010 public hearing on the application was mailed to property owners within 300 feet and the Felida Neighborhood Association on October 27, 2009 (Exs. 8 & 9). Notices of the application and hearing were also posted on and near the site on December 7, 2009 (Exs. 16 & 17). The County received no appeals and one agency comment from the Washington Department of Ecology (Ex. 10) on the SEPA Determination by the November 10, 2009 submission deadline, which is addressed below. Staff issued a comprehensive report on the project on January 13, 2010 (Ex. 18) recommending approval with conditions.

At the commencement of the January 28th hearing, the Hearings Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflicts of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's ability to decide the matter impartially, or otherwise challenged the Examiner's jurisdiction.

At the hearing, Michael Uduk, County planning staff on the project, David Botamini, engineering staff, provided verbal summaries of the project, the staff report and the various agency and departmental comments already in the record.

Eric Golemo, design engineer with Sturtevant, Golemo & Associates, represented the applicant, described the project, explained details, and responded to questions. Mr. Golemo clarified two conditions (A-3a & b), but expressed the applicant's acceptance of all of staff's proposed findings and conditions of approval. One neighbor (Lynn Carman) submitted a written comment (Ex. 11) expressing concerns about development, density and design consistency with the surrounding homes, traffic volumes and new driveway accesses on NW 31st Avenue, safe pedestrian passage along NW 31st Avenue, parking within the development and stormwater drainage issues. These issues are addressed in findings below.

At the hearing, two neighboring property owners (Jim Jeffers and Chris Douglas) appeared and testified in a neutral capacity about traffic safety, increased vehicle volumes and speeds along NW 31st Avenue and asking "what happens if the boundary line adjustment is not approved?" These issues are also addressed in findings below. No one else requested an opportunity to testify, and no one requested a continuance or that the record be left open. The Examiner closed the record at the conclusion of the January 28th hearing and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

A. Issues raised in public comment and testimony: One person submitted a written comment and two people testified at the January 28th hearing, raising the following issues:

1. Lynn Carman raised a large number of practical impact and design issues (Ex. 11) that are addressed by the County's design and approval standards. The density proposed is allowed in the R-12 zone, as are townhomes. The County's subdivision standards do not address the design or appearance of the actual dwellings or structures. While the development will generate new vehicle trips, the applicant has analyzed the development's impact on the surrounding transportation system (Ex. 6, tabs K, L & M) and has demonstrated that the system can safely handle the additional traffic and meets the County's requirements in this regard. The development will provide pedestrian facilities (sidewalks) along the internal private street (NW 117th Circle) and along the site's NW 31st Avenue frontage, which is the limit of the County's authority and ability to require transportation improvements from this developer. Finally, the development shall and does comply with the County's stormwater regulations, and the volume and rate of post-development stormwater discharge from the site will not exceed the volume and rate of pre-development discharge.

2. Jim Jeffers expressed concerns about existing traffic safety problems on NW 31st Avenue, to which this development will contribute, including excessive speeds and traffic volumes. While understandable, these issues are beyond the Examiner's authority to address. Such pre-existing system problems and deficiencies that do not rise to the level of an existing "traffic safety hazard" cannot serve as a basis to condition or deny this development.

3. Chris Douglas owns the property adjacent to the north and east of this parcel. The applicant has proposed a boundary line adjustment with Mr. Douglas' parcel in order to achieve the proposed development configuration (Ex. 6, Tab W). In short, either the BLA will be approved and the applicant will take the development to final plat as it is currently proposed, or the BLA will not be approved, in which case the proposal will have to be revised to stay within the current boundaries of Parcel Number 188966-005 and comply with all applicable design and development standards. See Conditions A-1b & D-1b.

B. Applicable Approval Criteria: The Examiner adopts the following findings related to issues and criteria that were addressed in the application and staff report:

LAND USE:

Finding 1: The development site is approximately 1.91 acres situated on the south side of NW 117th Circle east of NW 131st Avenue. The applicant is proposing an 18-lot townhouse subdivision. Based on the density requirements of the R-12 zone, the gross acreage of 1.91 acres could be subdivided into a maximum of 22 lots or a minimum of 15 lots. The applicant is not dedicating additional right-of-way (ROW) for street improvements because the ROW (half-width for NW 117th Circle) was dedicated with SP 2-166. Based on the applicant's proposed preliminary plat, the Examiner finds that this development complies with the applicable density requirements in the R-12 district. The proposed plat shall comply with the following Townhouse development standards (CCC Table 40.260.230-1):

Minimum lot area	2,800 sf
Minimum lot width	25 feet
Minimum lot depth	50 feet
Front yard setback	10 feet (for dwellings)
Maximum building height	35 feet
Front garage door setback	18 feet
Street side yard setback	10 feet
Side yard setback	0 or 5 feet
Rear yard setback	0 or 5 feet
Setback from alley	0 or 5 feet
Maximum lot coverage	60 %

The Examiner finds that all lots as proposed can comply with the applicable standard in the code. See Plat Note D-6a. The largest lot proposed (Lot 18) is 3,710 sf, and the smallest lots (Lots 12, 13 & 14) are each 2,800 sf (Ex. 5, sheet 1 of 4). The applicant shall provide a site plan showing scaled building dimensions and footprint for each townhouse unit, the location of each set of proposed buildings, and the actual building setbacks as approved in VAR2009-00013. See Conditions D-1a & D-6a.

Finding 2: The applicant shall improve to public road standards, NW 117th Circle which terminates in a cul-de-sac. NE 117th Circle is extended south as an access and utility easement and east as a private road B, which will provide access to Lots 7 and 8, and 15, 16, 17, and 18, respectively. The Examiner finds that, given the location of the property and the housing developments in the area, the applicant has made adequate provision for access to accommodate the development.

Finding 3 – Landscaping: Pursuant to CCC 40.260.230(C), the applicant provided a landscape plan (Ex. 5, sheet 4 of 5) showing L1 perimeter landscaping. The Examiner finds that this plan satisfies the landscaping requirements. The applicant shall provide a final landscape plan for County review prior to final engineering plan approval. See Conditions A-8a & C-1.

Finding 4 - Administrative Variance (VAR2009-00013): The applicant seeks the following 2 variances:

- Reduce the street side yard setback for Lot 4 from 10 feet to 8 feet on NW 117th Circle; and,
- Reduce the interior side yard setbacks from 5 feet to 4 feet between Lot 2 and Lot 3; between Lots 5, 6 and Lot 7; between Lot 10 and Lot 11; between Lot 14 and the western boundary of the access easement, and between Lot 16 and Lot 17.

Both of these variances must meet all four approval criteria in CCC 40.550.020(A)(4), beginning with:

First Variance Criterion provides that “*Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources.*”

The setback variances would reduce the numerical standards by 20% for side street setback on NW 117th Circle and the interior side yard setbacks for the affected lots, respectively. The variance requests qualify for a Type II administrative review according to CCC 40.550.020(A)(4) because the side street and side yard setbacks would be reduced by 20%. The Examiner finds that each lot impacted by the variance requests contains adequate minimum lot area, adequate minimum lot width, and adequate minimum lot depth according to the R-12 zoning standards. A 20% reduction in the required side street setback and interior side yard setback for the affected lots will not substantially detract from the livability and appearance of the residential area and this criterion is met with the following note on the final plat:

“The applicant shall ensure that all lots comply with the minimum development standards in Table 40.260.230-1 (Townhouse Criteria); except that the side street setback for Lot 4 shall be at least 8 feet from NW 117th Circle, and the interior side yard setback between Lot 2 and Lot 3; Lots 5, 6 and Lot 7; Lot 10 and Lot 11; Lot 14 and the access easement; and, Lot 16 and Lot 17 shall be a minimum of 4 feet each (for a total of 8 feet between buildings).” See Condition D-6a.

Finding 5 – Second Variance Criterion provides that *“If variances to more than one regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated.”*

The request is to vary the required numerical standard for the minimum side street setback and the minimum interior side yard setbacks as discussed in Land Use Finding 4. The Examiner finds that the cumulative impact of all of the requested variances is consistent with the applicable development standards in the R-12 zone, and this criterion is met.

Finding 6 – Third Variance Criterion provides that *“Adverse impacts resulting from the variance(s) are mitigated to the extent practical.”*

No safety issues were identified in the application, by staff or through agency comment or public testimony. If some safety is identified, the Building official may require the applicant to address the problem during building permit review.

Finding 7 – Fourth Variance Criterion provides that *“The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.”*

The Examiner finds that the proposed variances will not impede the available access safety for vehicles and pedestrians in the area.

Finding 8: Boundary Line Adjustment (BLA2009-00034): CCC 40.540.010 provides the following basic requirements for boundary line adjustments (BLA):

A boundary line adjustment (BLA) is a process for the purpose of adjusting boundary lines, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

The applicant proposes a BLA to adjust the development site by extending the hatched portion of the plat (Ex. 5) north to include approximately 1,317 sf from TL 87 (parcel no. 188966-000, also known as TL 1 of SP2-166). TL 87 is approximately 1.25 acres, and both the development site (parcel no. 188966-005) and parcel no. 188966-000 are legal lots of record created by SP2-166. The BLA, while reducing the area of parcel no. 188966-000, does not create a new lot; and, the remaining portion of parcel no. 188966-000 still meets the minimum lot size required in the R-12 zone. Therefore, the BLA is hereby approved. The applicant shall record with the Clark County Assessor's office the necessary legal documents confirming the BLA prior to final engineering plan approval or prior final plat recording, whichever occurs first. See Condition A-1a.

Chris Douglas, the owner of the other parcel involved in the BLA, testified that he had not yet reached an agreement with the applicant and called into question whether the proposed configuration would ever come to pass. If the land-swap between the applicant and Mr. Douglas happens, the preliminary plat can proceed to final as it is currently proposed. If no agreement occurs, the applicant will have to revise the development to stay within the boundaries of parcel no. 188966-005. See Conditions A-1b & D-1b.

ARCHAEOLOGY:

Finding 1 - Archaeology: The applicant submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application (Ex. 6, tab R). The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. See Conditions A-2a & D-6c.

TRANSPORTATION:

Finding 1 - Pedestrian/Bicycle Circulation Plan: CCC 40.350.010 requires pedestrian circulation facilities that comply with the Americans with Disabilities Act. The applicant proposes sidewalks on-site (along NW 117th Circle) and as part of the frontage improvements (on NW 31st Avenue), which meets the pedestrian circulation code.

Finding 2 - Road Cross-Circulation: The properties to the south and east of the proposed subdivision are fully developed. The proposed cul-de-sac road, NW 117th Circle, will provide access to the Parcel no. 188966-000 to the north now and in the future when the property is developed. Based on staff's review and favorable recommendation, the Examiner finds that the project complies with the circulation plan requirements of CCC 40.350.030(B)(2).

Finding 3 - Roads: NW 31st Avenue is an Urban Local Residential Access road, for which the minimum half-width improvements include 23 feet of right-of-way, 14 feet of paved width, sidewalk, curb, and gutter. The applicant proposes improvements that exceed these minimum standards. The proposed intersection curb return radii shall comply with CCC Table 40.350.030-4 which requires minimum 25-foot radii. See Condition A-3a. NW 117th Circle is an Urban Cul-de-sac. Per a note on SP 2-166, NW 117th Circle shall be reconstructed to public road standards. The applicant proposes road improvements for an Urban Local Residential Access road exceeding the pavement width for an Urban Cul-de-sac by 2 feet. The applicant proposes this road be private; however, SP 2-166 requires that the road be public. Therefore, the applicant shall dedicate partial-width right-of-way consisting of 23 feet for the roadway and the required right-of-way around the bulb within the boundaries of subject Parcel no. 188966-005. The road may remain private within a half-width public right-of-way until the full-width right-of-way dedication occurs, at which time the road will become public. The applicant shall make efforts to include the owner of Parcel no. 188966-000 in a private road maintenance agreement as being responsible for the maintenance of the road in addition to the owners of lots in the Felida View Townhomes until such time when the entire road is dedicated as a public road. See Condition A-3b. According to CCC 40.350.030 (B)(4)(b)(1)(b) corner lot driveways shall have a minimum separation of 50 feet from the intersecting property lines. Where that is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. The applicant submitted a road modification request (Ex. 6, tab U) to address the existing driveway to the north, but indicated that it could and would meet the minimum spacing requirements of CCC 40.350.030(B)(4)(b)(1)(b) for all of the proposed driveways. See Condition A-3c.

Finding 4 - Road Modification (EVR2009-00045): The applicant submitted a road modification request (Ex. 6, tab U) seeking relief from CCC 40.350.030(B)(4)(b)(1) (b), which requires a 50-foot minimum separation between driveways and intersecting property lines. Where that is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. Short plat 2-166 requires improvement of the existing NW 117th Circle to public road standards. The applicant claims that relocating the driveway is not feasible due to the location of the existing associated house. The applicant states a new driveway drop located off the north side of NW 117th Circle can be provided for the neighbor. The applicant cites CCC 40.550.010(A)(1)(a) as justification for this request. Engineering staff reviewed the applicant's proposal and justification for this road modification and recommended that it be approved. Based on staff's review and favorable recommendation, the Examiner concurs, and this road modification is approved.

Finding 5 - Sight Distance: The applicant submitted a sight distance certification letter dated August 26, 2009 (Ex. 6, tab L) asserting that sight distance requirements can be achieved. The approval criteria for sight distances are found in CCC 40.350.030(B)(8), which establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures shall not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. See Condition A-3d.

TRANSPORTATION CONCURRENCY:

Finding 1 - Trip Generation: The applicant submitted a traffic study based on the development of 18 new townhome dwellings. The applicant's traffic study (Ex. 6, tab K) estimated the weekday a.m. and p.m. peak-hour trip generation to be 12 and 14 new trips, respectively, using nationally accepted data published by the Institute of Transportation Engineers. The applicant's traffic study complies with the requirements of CCC 40.350.020(D)(1).

Finding 2 - Site Access: Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic. Congestion or concurrency LOS standards are not applicable to site accesses or intersections that are not regionally significant. However, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. The applicant's traffic study analyzed the intersection of NW 31st Avenue/site access. The traffic study indicates that the site access will have an estimated LOS A through the 2012 future build-out horizon. The study also shows that the LOS was evaluated in the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios, meeting the requirements as outlined in CCC 40.350.020(G)(1)(d) & (f). Based on

staff's review and favorable recommendation, the Examiner finds that the proposal meets these standards.

Finding 3 - Concurrency: This development must meet the standards in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development, including the following issues:

Unsignalized Intersections: The applicant's study shows a 1-mile radius study area, which includes regionally significant unsignalized intersections. These intersections were analyzed in the County's Concurrency Model. It was determined that these intersections comply with travel speed and delay standards, resulting in a LOS better than the minimum allowable LOS D for unsignalized intersections. Therefore, the traffic study demonstrates concurrency compliance.

Signalized Intersections: The County's model also evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year.

Concurrency Corridors: Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded acceptable levels of service. The County incurs costs to analyze the proposed development's impacts, which the applicant shall reimburse. See Condition A-4.

Safety: The applicant's traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6), which provides that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 4 - Traffic Signal Warrants: The applicant's traffic study analyzed the uncontrolled and critical movements at the intersections of NW 119th Street/NW 31st Avenue and NW 115th Street/NW Lakeshore Avenue. The study shows that these unsignalized intersection approaches and critical movements will operate at a LOS E, or better, in the 2012 build-out horizon. The Examiner concurs with the applicant's finding because the projected intersection LOS is acceptable and there is little or no crash history, which would indicate a safety issue. Therefore, no further signal analysis is required. It should be noted that the intersections of NW 119th Street/NW 31st Avenue and NW 115th Street/NW Lakeshore Avenue are not regionally significant intersections.

Finding 5 - Turn Lane Warrants: Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study reviewed the site access for turn lane warrants and found that, with the low traffic volumes, turn lanes would not be warranted at the intersection of NW 31st Avenue/site access. The Examiner agrees with the traffic study findings.

Finding 6 - Historical Accident Situation: The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis; therefore, further analysis and possible mitigation is not required.

STORMWATER:

Finding 1 - Applicability: The Stormwater and Erosion Control Ordinance (CCC chapter 40.380) applies to development activities that result in 2,000 sf or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempt by CCC 40.380.030. The project will create more than 2,000 sf of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempt in CCC 40.380.030. Therefore, this development is subject to and shall comply with the Stormwater and Erosion Control Ordinance. The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 - Stormwater Proposal: The applicant submitted a preliminary stormwater report dated June 29, 2009 that indicates a bioswale and detention facilities will be used (Ex. 6, tab I). The facilities are to be privately owned and maintained. The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

Finding 3 - Site Conditions and Stormwater Issues: According to CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Condition A-6a. According to CCC 40.380.050(B)(8) properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. The applicant shall perform and submit for county review an offsite analysis extending a minimum of ¼ of a mile downstream from the development site in compliance with CCC 40.380.040(B)(2). See Condition A-6b. Per CCC 40.380.040(H)(3)(b), the applicant shall prepare and submit for County review and approval an easement or a covenant that allows the county to inspect privately maintained stormwater facilities. See Condition A-6c.

FIRE PROTECTION:

Finding 1 - Fire Marshal Review: This application was reviewed by the Fire Marshal's Office, which provided comments and recommended conditions of approval. The applicant shall comply with and otherwise fulfill these conditions.

Where there are difficulties in meeting these conditions or if additional information is required, the applicant should contact the Fire Marshal's office immediately.

Finding 2 - Building Construction: Building construction in this subdivision shall comply with the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. See Condition B-1d.

Finding 3 - Fire Flow: Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow available at the site is estimated at 1,000 gallons per minute (gpm). See Condition D-2a.

Finding 4 - Fire Hydrants: Fire hydrants are required for this application, and the indicated new fire hydrant is adequate. All fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief shall review and approve the exact locations of fire hydrants, and the applicant shall contact Fire District 6 at 360-576-1195 to arrange for location approval. See Condition D-2b.

Finding 5 - Fire Apparatus Access: The roadways and maneuvering areas as indicated in the application appear to meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. See Condition D-2c.

Finding 6 - Fire Apparatus Turnarounds: Fire apparatus turnarounds are required and shall comply with the Clark County Road Standards. See Condition D-2d.

Finding 7 - No Parking Sign: Parallel parking shall be prohibited on streets that are less than 24 feet wide, and streets narrower than 24 feet shall be posted with NO PARKING signs. See Condition F-1a.

WATER & SEWER SERVICE:

Finding 1: The Clark Public Utilities provides potable water and Clark Regional Wastewater District provides sewer service in the area. Utility reviews from the utility purveyors indicate that adequate facilities exist in the area to serve this development (Ex. 6, tab O). The applicant will need to make the necessary improvements to connect this development to potable water and sewer services provided by Clark Public Utilities and Clark Regional Wastewater District, respectively, prior to final construction review. See Condition A-9a.

Finding 2: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county, *e.g.*, at Final Construction Plan Review, Final Plat Review or Prior to Occupancy. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any

structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. See Condition A-9b.

IMPACT FEES:

Finding 1 - Impact Fees: The site is located in a Park Improvement District 9, the Vancouver School District and the Hazel Dell Transportation Impact District. All new residential units constructed in this development (17 new dwellings, which accounts for the existing dwelling on the parcel) will impose new service demands on the local schools and transportation system. Therefore, all new residential units in this development are subject to the following impact fees authorized by CCC chapter 40.610 to defray the cost of serving this new demand, payable at the time of building permit issuance:

- (1) Traffic impact fee (TIF) for the Hazel Dell Transportation District, which has a TIF of \$2,246.43 per lot (\$1,055.82 local fee and \$1,190.61 regional fee)
- (2) School impact fee (SIF) for the Vancouver School District, which has a SIF of \$1,421 per lot.
- (3) Park impact fee (PIF) for Park Improvement District 9, which has a PIF of \$1,472 per lot (\$1,151 acquisition fee and \$321 development fee).

All impact fees due shall be paid prior to the issuance of a building permit for each lot. If a building permit application is made more than 3 years following the date of this preliminary plat approval, the impact fee will be recalculated according to the then-current ordinance rate. A note to this effect shall also be placed on the final plat. See Conditions D-3f & E-1.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed. The County issued and published its Determination of Nonsignificance for this project on October 27, 2009 (Ex. 8). One timely comment (Ex. 10) from the Washington Department of Ecology and no appeals were received by the comment and appeal deadline of November 10, 2009. That comment is adequately addressed in findings and/or conditions of approval; therefore, the SEPA determination is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, the preliminary plat and related plans (Exs. 5 & 6). This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

A	Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Land Use:

- a. The developer shall record the necessary BLA documents with the Clark County Assessor's office prior to final engineering plan approval or final plat recording, whichever occurs first. See Land Use Finding 8
- b. If the developer does not obtain final BLA approval, the final design shall be reconfigured to stay within the boundaries of parcel no. 188966-005.

A-2 Final Construction Plan: The developer shall submit and obtain County approval of a final construction plan in conformance with CCC chapter 40.350 and the following additional requirement:

Archaeology: The following note shall be placed on the face of the final construction plans:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-3 Final Transportation Plan/On-Site: The developer shall submit and obtain County approval of a final transportation design in conformance with CCC chapter 40.350 and the following additional requirements:

- a. The proposed intersection curb return radii shall comply with the requirements of CCC Table 40.350.030-4 which requires minimum 25-foot radii.
- b. The developer shall dedicate partial width right-of-way consisting of 23 feet for the roadway and the required right-of-way around the bulb within the boundaries of subject (parcel no. 188966-005). The developer shall make efforts to include the owner of Parcel no. 188966-000 in a private road maintenance agreement as being responsible for the maintenance of the road in addition to the owners of parcels within the Felida View Townhomes until such time when the entire road is dedicated as a public road.
- c. As required by CCC 40.350.030(B)(4)(b)(1)(b), the proposed corner lot driveways shall have a minimum separation of 50 feet from the intersecting property lines or where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line.
- d. The developer shall comply with the sight distance requirements of CCC 40.350.030(B)(8).

- A-4 Final Transportation Plan/Off Site (Concurrency):** The developer shall submit and obtain County approval of a final transportation plan designed in conformance with CCC chapter 40.350. The developer shall also reimburse the County for the cost of concurrency modeling in an amount not to exceed \$2,000. The reimbursement shall be made prior to final site plan review.
- A-5 Transportation:** The developer shall submit and obtain County approval of a final transportation plan designed in conformance with CCC chapter 40.350 and the following additional requirements:
- a. Signing and Striping Plan: The developer shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the developer shall obtain written approval from Clark County Department of Public Works of the developer's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- A-6 Final Stormwater Plan:** The developer shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance with CCC chapter 40.380 and the following additional requirements:
- a. Consistent with CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.
 - b. According to CCC 40.380.050(B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. The developer shall perform an offsite analysis extending a minimum of ¼ mile downstream from the development site consistent with CCC 40.380.040(B)(2).
 - c. Per CCC 40.380.040(H)(3)(b), the applicant shall prepare and submit for County review and approval an easement or a covenant that allows the county to inspect privately maintained stormwater facilities.
- A-7 Erosion Control Plan:** The developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 40.380.
- A-8 Final Landscape Plan:** The developer shall submit to the project planner and obtain county approval of a final landscape plan consistent CCC chapter 40.324 and the approved preliminary landscape plan prior to final engineering plan approval. See Land Use Finding 3.
- A-9 Health Department Review:**
- a. The developer shall make the necessary improvements to connect this development to potable water and sewer services provided by Clark Public

Utilities and Clark Regional Wastewater District, respectively, prior to final construction review. See Water and Sewer Finding 1.

- b. Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. See Water and Sewer Finding 2.

A-10 Excavation and Grading: Excavation and grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County that addresses, in addition to others, the following issues:

- a. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established.
- b. Prior to site construction, structures slated for demolitions shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit.
- c. Fire Flow: Building construction in this subdivision shall comply with the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. See Fire Protection Finding 2.

B-2 Erosion Control: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control: Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

C-1 Verification of the Installation of Required Landscape: The developer shall provide verification in accordance with CCC 40.320.030(B) that the required

landscape has been installed in accordance with the approved landscape plan.
See Land Use Finding 3 & Condition A-8a.

D	Final Plat Review & Recording
	Review & Approval Authority: Development Engineering

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use:

- a. The developer shall provide a site plan showing the location of each set of buildings, scaled building dimensions and footprint for each townhouse unit, and the actual building setbacks as approved in VAR2009-00013. See Land Use Finding 2.
- b. The developer shall complete the BLA, obtain approval and record the necessary legal documents with the Clark County Assessor's office prior to final engineering plan approval or final plat recording, whichever occurs first. If the developer does not obtain final BLA approval, the final design shall be reconfigured to stay within the boundaries of parcel no. 188966-005.

D-2 Fire Marshal Requirements: The developer shall complete or otherwise fulfill the following conditions recommended by the Fire Marshal's Office:

- a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch for 60 minutes duration is required for this development. See Fire Protection Finding 3.
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around all fire hydrants. The local fire district chief shall review and approve the exact locations of fire hydrants. The developer shall contact Fire District 6 at 360-576-1195 to arrange for location approval. See Fire Protection Finding 4.
- c. The developer shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. See Fire Protection Finding 5.
- d. Fire apparatus turnarounds are required and shall meet the requirements of the Clark County Road Standards. See Fire Protection Finding 6.

D-3 Developer Covenant: The developer shall submit to the County in a form suitable for recording a "Developer Covenant to Clark County" that includes the following:

- a. Private Road Maintenance Covenant: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements and other considerations as required by CCC 40.350.030(C)(4)(g).

- b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with CCC 32.04.060.
- d. Impact Fees: "In accordance with CCC chapter 40.610, the following School (SIF), Traffic (TIF) and Park (PIF) Impact Fees shall be paid for each of 17 new dwellings (which accounts for the existing dwelling on the property) in this subdivision at the time building permits are issued:
- SIF of \$1,421 per dwelling for the Vancouver School District;
 - TIF of \$2,246.43 per dwelling for Hazel Dell Transportation Impact Fee area (\$1,055.82 local fee and \$1,190.61 regional fee); and
 - PIF of \$1,472 per dwelling for Park Improvement District 9 (\$1,151 acquisition fee and \$321 development fee).

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for more than three years following plat approval shall be recalculated using the then-current regulations and fees schedule."

- D-4 Addressing:** At the time of final plat, any existing residences that will remain may be subject to an address change. Addressing will be determined based on point of access.
- D-5 Verification of the Installation of Required Landscape:** Prior to approval of a final plat, the developer shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan. See Condition A-7a.
- D-6 Plat Notes:** The following notes shall be placed on the final plat:
- a. Townhouse development standards: "All lots shall comply with the minimum development standards in Table 40.260.230-1 (Townhouse Criteria); except that the side street setback for Lot 4 shall be a minimum of 8 feet from NW 117th Circle, and the interior side yard setback between Lot 2 and Lot 3; Lots 5, 6 and Lot 7; Lot 10 and Lot 11; Lot 14 and the access easement; and, Lot 16 and Lot 17 shall be a minimum of 4 feet (for a total of 8 feet between buildings)." See Land Use Finding 4.
 - b. Mobile Homes: "Mobile homes are not permitted on any lot in this development."
 - c. Archaeology: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
 - d. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
 - e. Utilities: "An easement is hereby reserved under and upon the exterior 6 feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior 6 feet along the front boundary lines of all lots adjacent to public streets."
 - f. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC chapter 40.350."
 - g. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: The developer of Felida View Townhomes or a successor in interest."

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Impact Fees** – All new dwellings in this development (17 new dwellings) are subject to the following impact fees authorized by CCC chapter 40.610 to defray

the cost of serving this new demand. The developer shall pay the following impact fees at the time of building permit issuance:

- (1) SIF of \$1,421 per dwelling for the Vancouver School District;
- (2) TIF of \$2,246.43 per dwelling for Hazel Dell Transportation Impact Fee area (\$1,055.82 local fee and \$1,190.61 regional fee); and
- (3) PIF of \$1,472 per dwelling for Park Improvement District 9 (\$1,151 acquisition fee and \$321 development fee).

If a building permit application is made more than 3 years following the date of this preliminary plat approval, the impact fee will be recalculated according to the then-current ordinance rate. See Impact Fees Finding 1.

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 On-street Parking:** Parallel parking shall be prohibited on streets narrower than 24 feet wide, all of which shall be posted with NO PARKING signs. See Fire Protection Finding 7.

G	Development Review Timelines & Advisory Information
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- G-1 Land Division** - Within 5 years of preliminary plan approval, the developer shall submit a Fully Complete application for Final Plat review, after which the preliminary plat approval shall automatically expire.

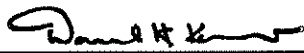
- G-2 DOE Stormwater Permit** - A stormwater permit from the Department of Ecology (DOE) is required if both of the following conditions occur:

- a. The development disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND
- b. There is a possibility that stormwater could run-off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or multiple phases will count toward the 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the larger project planned over time. The developer shall Contact the DOE for further information.

- G-3 Building and Fire Safety:** Building and Fire, Life, and Safety requirements shall be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or developer to insure that Building Safety and Fire Marshal requirements are met. Land use decisions do not waive any building or fire code requirements.

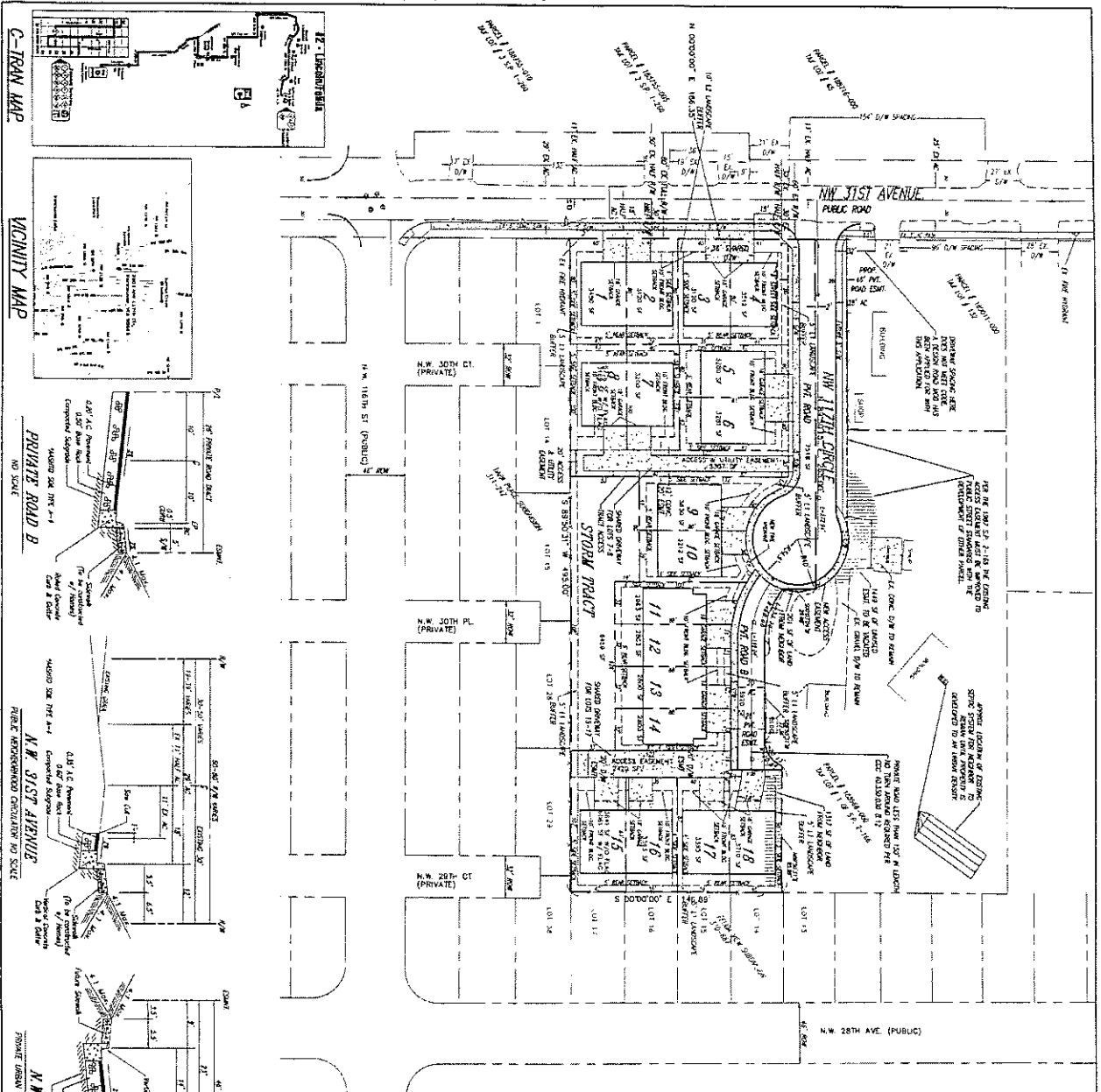
Date of Decision: February 4, 2010.

By: 
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.



HEARING EXAMINER EXHIBITS



APPLICATION: Felida View Townhomes
CASE NUMBERS: PLD2009-00048
Hearing Date: 1/28/10

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	9/25/09	Applicant: Osprey Ventures, LLC.	Full Size Plans
6	9/25/09	Applicant: Osprey Ventures, LLC.	Application Binder: Submittal Checklist, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Determination, Prelim Plats Abutting Site, Boundary Survey, GeoTech Rpt, Stormwater Rpt, Engineers Statement, Traffic Study, Site Distance Cert, Circulation Plan, SEPA, Utility Reviews, Health Dept Ltr, Covenants/Restrictions, Arch Pre-Det, School Ltr, Safe Walking Route Map, Road Modification, Variance for Setbacks
7	10/13/09	CC Development Services	Development Review Fully Complete Determination
8	10/27/09	CC Development Services	Notice of Type III Development Review App, Optional SEPA & Public Hearing
9	10/27/09	CC Development Services	Affidavit of Mailing Public Notice
10	11/9/09	Department of Ecology (DOE)	SEPA Comments
11	11/12/09	Lynn Carman	Public Comments
12	11/25/09	Public Works Development Engineering	Road Modification Report
13	12/3/09	Michael Uduk, County Staff	Acknowledgement of receipt of the SEPA Comments from DOE
14	12/8/09	CC Development Services	REVISED Notice of Type III Development Review App, Optional SEPA & Public Hearing – Revised Hearing Date

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
15	12/8/09	CC Development Services	Affidavit of Mailing Public Notice
16	1/11/10	Applicant: Osprey Ventures, LLC.	Applicants Affidavit of Posting – Land Use Sign
17	1/13/10	CC Development Services	Counties Affidavit of Posting
18	1/13/10	CC Development Services	Staff Report written by Michael Uduk
19	1/28/10	CC Development Services	Pictures of Power Point Presentation

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810